APPENDIX.

Exhibit I.

September 15, 1941.

John F. Anderson, Esq.,
Legal Department, Comptroller's Office,
Treasury Bldg., Washington, D. C.

Re: Stein vs. *Delano, etc.*

Dear Mr. Anderson:

I have just been advised by the Clerk of the Supreme Court of the United States that no brief has been filed by the respondents in connection with the application for the allowance of a writ of certiorari in the above matter.

It was my understanding when I met you in Newark at the inception of this litigation, that both sides were to cooperate to the end that the meritorious questions involved in this proceeding would be decided by the Supreme Court. If the plaintiffs were unsuccessful in the Circuit Court of Appeals, they were to make application for the writ, and the Comptroller's office was to join in a prayer for its allowance. I am wondering if this phase of the case has been overlooked by your office.

Will you kindly advise and oblige?

Yours very truly,

SAUL J. ZUCKER,
For the firm.

Z/M.
Special Delivery

Exhibit II.

TREASURY DEPARTMENT
COMPTROLLER OF THE CURRENCY
WASHINGTON

September 17, 1941

Saul J. Zucker, Esq.,
744 Broad Street,
Newark, New Jersey.

Dear Sir:

While as stated in your letter of September 15, 1941 it was understood during our conversation in Newark that the parties would co-operate to the end that the meritorious questions involved in *Stein* v. *Delano* would be finally determined by the courts, there was no committment by me that the Comptroller or the Receiver would join with the petitioner in seeking a review by the Supreme Court of the United States in the event of a decision by the courts below adverse to the plaintiff. I think we have co-operated fully in the courts below and in the Supreme Court of the United States in that no opposition brief was filed by either the Comptroller or the Receiver. You will note from Mr. Barse's letter to you dated August 19, 1941 that the only question then under consideration was the necessity or desirability of filing a brief in opposition to the petition. The question of payment of interest to depositors is an important one that has not been passed on by the Supreme Court in recent years and, as the record indicates, we do not oppose a review.

Presumably your petition has now been distributed to the Justices of the Supreme Court and their conclusion should be announced on October 13th or October 20th. I can advise you that in the last Receivership case presented to the Supreme Court wherein the Receiver prevailed below

and a review was not opposed by the Comptroller or the Receiver, the review was granted and the case is now on the calendar on the merits, No. 29, this term, *American Surety Company of New York* v. *L. M. Reed, Receiver of the Bethlehem National Bank of Bethlehem, Pennsylvania.*

Yours very truly,

J. F. ANDERSON.

Title 12 U. S. C.

Sec. 194.

DIVIDENDS ON ADJUSTED CLAIMS; Distribution of Assets.

From time to time, after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association, the comptroller shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and, as the proceeds of the assets of such association are paid over to him, shall make further dividends on all claims previously proved or adjudicated; and the remainder of the proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held (R. S. § 5236).